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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/493,794 01/28/00 GIESLER

M PM 255690

EXAMINER

TM02/0523

ATTEN: JENNIFER A. ALBERT, ESQ.
HUNTON & WILLIAMS
1900 K STREET, N.W.
WASHINGTON DC 20006-1109

WEISBERGER, R

ART UNIT

PAPER NUMBER

2164

DATE MAILED:

05/23/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/493,794

Applicant(s)
Geiser et al.

Examiner
Weisberger Richard C.

Group Art Unit
2164



☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-34 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-34 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Information Disclosure Statement

The information disclosure statement has been considered.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by

www.chemconnect.com

The prior art (see, www.chemconnect.com/about/index.html) teaches a computer system, computer network and method for facilitating b2B transactions. The prior art teaches an online B2B trading marketplace and information portal hosting products such as chemicals and plastics. The chemical exchange is said to allow its members to trade three different ways; (1) on a public exchange floor comprising anonymous posts and bids, (2) in corporate trading rooms wherein contracts are negotiated, and (3) via a commodities floor which allows top producers, traders, market makers and end users to buy, sell, and exchange any standard, high volume commodity product online in real time through regional trading hubs. The advantages of this system are shown to include access, efficiency, lower transaction costs, and real time transactions.

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Claim Rejections - 35 USC § 103


3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-34 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over www.chemconnect.com

The prior art (see, www.chemconnect.com/about/index.html) teaches a computer system, computer network and method for facilitating b2B transactions. The prior art teaches an online B2B trading marketplace and information portal hosting products such as chemicals and plastics. The chemical exchange is said to allow its members to trade three different ways; (1) on a public exchange floor comprising anonymous posts and bids, (2) in corporate trading rooms wherein contracts are negotiated, and (3) via a commodities floor which allows top producers, traders, market makers and end users to buy, sell, and exchange any standard, high volume commodity product online in real time through regional trading hubs. The advantages of this system are shown to include access, efficiency, lower transaction costs, and real time transactions.

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 to buy, sell, and exchange standard, high volume commodity products, online in real time through regional trading hubs. The prior art teaches that members of the world chemical exchange gain access to new markets, efficiently negotiate with buyers and suppliers, profit from reduced transaction costs.


The prior art either directly anticipates or renders obvious each and every limitation claimed. The examiner takes official notice that webmethods provides comprehensive solutions to chemconnect incorporating open standards such as XML, OBI and EDI. The examiner takes further official notice that it well known to apply sophisticated datamining tools to B2B operations and the like, and that these datamining tools routinely perform the data mining operations claimed.

As to those ancillary operations claimed, i.e. banking, shipping, accounting etc., it would have been obvious, absent some unexpected results, for one skilled in the art at the time to have added each and every of these features. The prior art taken as a whole suggests each and every "vertical" operation of conventional (pre-internet) B2B operations. These "verticle" operations are akin to art recognized variables. The incorporation of well known art recognized operations into an existing methods and products are obvious, barring unexpected results from the implementation thereof, to those skilled in the art. Here, the motivation for these additions are improvements in efficiency and the like.

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A handwritten signature in cursive script, appearing to read "Rich Weisberger", is written over a horizontal line.

Rich Weisberger

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